

REMARKS

With entry of the above Amendment, claims 1-5, 9-12, 14-15, and 19-20 are now present in the application, claims 6-8, 13, 16-18 and 21-26 having been cancelled.

The rejection of claims 5 and 14 under 35 U.S.C. §112, 2nd paragraph, is believed to have been overcome with Amendment to the claims. The claims now make reference to inversion from an installed position.

The rejection of claims 24 and 26 under 35 U.S.C. §102(b) is rendered moot with the cancellation of those claims.

The rejection of claims 21-22, the rejection of claim 23, and the rejection of claim 25 are rendered moot with the cancellation of those claims.

Claims 1-7, 9-17 and 19-20 are rejected under 35 U.S.C. §103(a) as unpatentable over Kirkpatrick and Ragland taken in view of Peleg. The rejection of claims 6, 7, 13, 16 and 17 is rendered moot with the cancellation of those claims. Claims 1 and 12, the only independent claims remaining in the application have been amended so as to more clearly distinguish over the cited art. Claim 1 has been amended to refer to a baking shield movable from a storage position at the bottom of the receptacle to an installed position atop the receptacle, with the baking shield having a downwardly facing concave annular body with an outwardly extending rim overlying the receptacle rim when in the installed position and with the annular body having an inner free edge below the receptacle rim and defining a central opening when in the installed position. Reference is made to FIG. 2 of the patent application drawings, which shows one example of the claimed arrangement. Neither Kirkpatrick, Ragland or Peleg taken either alone or in combination teach or suggest applicants' claimed arrangement. The baking shield of Kirkpatrick lies entirely above the receptacle rim and, as shown in FIG. 14 accommodates a peripheral crust portion disposed above the receptacle rim. In contrast, in applicants' claimed arrangement protection is provided for a peripheral crust portion 66 disposed in the receptacle, as shown for example in FIG. 6 of the patent application drawings. Further, it is claimed that applicants' shield includes a concave annular body which more effectively shields dough products since it conforms generally to the shape of the dough products to provide a more uniform spacing between the shield and the outer surface of the dough products, an example of which can be seen in FIG. 6 of the patent application drawings. Ragland does nothing to overcome the deficiencies of Kirkpatrick and does not show an effective shielding arrangement of the type claimed. The shield

of Peleg in effect also comprises a receptacle for containing the products to be baked. Peleg fails to overcome the deficiencies of Kirkpatrick, as pointed out above. For example, Peleg clearly lacks a baking shield having a downwardly facing concave annular body let alone a shield having an annular body with a free edge disposed below the receptacle rim. Accordingly, the rejections of claim 1 and claims dependent therefrom is believed to have been fully overcome.

Claim 12 is directed to a baking shield movable from a storage position at the bottom of a receptacle to an installed position atop the receptacle, with the baking shield and the receptacle having a frustoconical shape. The baking shield includes an inwardly extending top wall having an inner edge with a bead. When the baking shield is moved to the storage position, nestingly receiving the receptacle, the bead is received in the annular recess of the receptacle. FIG. 11 of the patent application drawings shows an example of the claimed arrangement which maintains the relatively fragile baking shield in secure position during shipment. This arrangement renders applicants' claimed invention particularly suitable for use with relatively heavy food products such as frozen deep dish pizza pies. These features are not shown or suggested in any of the Kirkpatrick, Ragland or Peleg patents taken either alone or in combination. Kirkpatrick clearly lacks the frustoconical feature of the baking shield. Ragland does not show baking shield of the type claimed. Peleg arguably includes a frustoconical wall serving as a shield, but this member also comprises the receptacle for containing the product to be prepared. Peleg clearly lacks a baking shield having a frustoconical side wall with an inwardly extending top wall having an inner edge with a bead defining a central opening and an outwardly extending rim overlying the receptacle rim when in the installed position. Peleg also clearly lacks a separate frustoconical shaped receptacle let alone one nestingly received in the baking shield with the bead of the baking shield received in an annular recess formed in the receptacle. The rejection of claim 12 and claims dependent therefrom is believed to have been fully overcome.

The rejection of claims 8 and 18 under 35 U.S.C. §103(a) is rendered moot with the cancellation of those claims.

In light of the above Amendment and Remarks, claims 1-5, 9-12, 14-15 and 19-20, all the claims now present in the application are believed to be allowable and an early allowance of the application is respectfully requested.

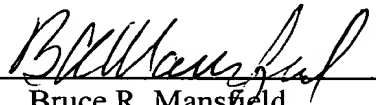
Attached hereto is a marked-up version of the changes made to the specification and claims by the current Amendment. The page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

There are seven (7) total pages in this Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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“VERSION WITH MARKINGS TO SHOW CHANGES MADE”

IN THE CLAIMS:

Claim 1 is amended as follows:

1. (Amended) A kit for shipping and preparing baked food products having a sensitive outer marginal portion, comprising:

a frustoconical receptacle having a bottom, an open top, and an outer rim at the open top;

a food product disposed within said receptacle, below said outer rim;

[a baking shield including an upstanding sidewall to engage the outer rim so as to be upstanding therefrom when in an installed position;

the baking shield further including an upper wall inwardly extending from said sidewall so as to form a central opening when in the installed position;]

a baking shield movable from a storage position at the bottom of the receptacle to an installed position atop the receptacle, said baking shield having a downwardly facing concave annular body with an outwardly extending rim overlying said receptacle rim when in the installed position, said annular body having an inner free edge below said receptacle rim and defining a central opening when in the installed position;

the baking shield stored at the bottom of the receptacle; and

a shipping carton surrounding the receptacle and the baking shield.

Claim 5 is amended as follows:

5. (Amended) The kit of claim 1 wherein the baking shield is stored at the bottom of the receptacle in a position inverted from the [storage] installed position.

Claim 12 is amended as follows:

12. (Amended) A packaging kit for shipping baking utensils, comprising:

a frustoconical receptacle having a bottom defining an annular recess, an open top, and an outer rim at the open top;

[a baking shield including an upstanding sidewall to engage the outer rim so as to be upstanding therefrom when in an installed position;

the baking shield further including an upper wall inwardly extending from said sidewall so as to form a central opening when in the installed position;]

a baking shield movable from a storage position at the bottom of the receptacle to an installed position atop the receptacle, said baking shield having a frustoconical sidewall with upper and lower ends, an inwardly extending top wall having an inner edge with a bead defining a central opening and an outwardly extending rim overlying said receptacle rim when in the installed position;

the bottom of the receptacle nested in the baking shield, with the bead received in the annular recess when the baking shield is in the storage position, so as to cooperate with the shipping carton to maintain the baking shield in a controlled position during shipping;

the baking shield stored at the bottom of the receptacle; and
a shipping carton surrounding the receptacle and the baking shield.

Claim 14 is amended as follows:

14. (Amended) The kit of claim 12 wherein the baking shield is stored at the bottom of the receptacle in a position inverted from the [storage] installed position.